

Document #0022: Comments
New York State Energy Research and Development
Authority (public meeting transcript)

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3 SPEAKERS :
4 JOHN CHAMBERLAIN,
5 Communications Department,
6 West Valley Demonstration Project.
7 DANIEL W. SULLIVAN,
8 DOB Document Manager,
9 West Valley Demonstration Project.
10
11 PAUL PICTUO,
12 Director of the West Valley Site
13 Management Program for NYSERDA.
14
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20
21 REPORTED BY: DORREN M. SHARICK, Court Reporter
22 Edith E. Forbes Court Reporting Service
23 21 Woodcrest Drive
24 Batavia, New York 14020
25 (585) 343-8612
EDITH E. FORBES (585) 343 8612

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1
2 MR. CHAMBERLAIN: Good
3 afternoon. I'm John Chamberlain. On behalf
4 of the Department of Energy. I welcome each of
5 you to this meeting. As you know, there are
6 two comment sessions scheduled today here at
7 the Ashford Office Complex on Route 219 as
8 part of the 45-day public review period for
9 the Draft Waste West Valley Demonstration
10 Project Waste Management Environmental Impact
11 Statement. For the record, this afternoon
12 session is scheduled from 1:30 p.m. to 3:30
13 p.m., today, June 11, 2003, and an evening
14 session is scheduled from 7:00 p.m. to 9:00
15 p.m.
16 These sessions are being held to
17 provide individuals the opportunity to submit
18 oral and written comments on the draft EIS.
19 Comments can be filed by mail, by fax or
20 electronically through the Internet. In
21 addition, there is a toll-free number
22 available through which individuals can submit
23 oral comments by telephone. Information
24 including directions on filing comments is
25 available at the table to my right. All

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1
2 comments, whether written or oral, will
3 receive the same consideration and review, and
4 will be responded to in the Final
5 Environmental Impact Statement.
6 The development of this DEIS
7 officially began with DOE's publication of a
8 Notice of Intent on March 26, 2001. The scope
9 of this DEIS departs from that which was
10 originally announced in the Notice of Intent
11 in that it is limited to onsite waste
12 management and offsite waste transportation
13 activities, and does not include
14 decontamination activities. This DEIS was
15 made publicly available on May 16, 2003, for
16 review and comment. The 45-day public review
17 period will officially end on June 30, 2003,
18 and DOE will consider comments received after
19 this date to the extent practical.
20 Commentors for today's session have
21 been registered in the order that their
22 requests have been received. All individuals
23 that have signed up at the door will be
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25 in as long as time is available. If you wish

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1 to present a comment and have not signed up, I
2 encourage you to do so now.
3 Finally, I want to thank all of you
4 here for taking the time to attend this
5 meeting and for those providing comments,
6 thank you for your interest and involvement.
7 At this time I want to introduce Dan
8 Sullivan, the Department of Energy's NEPA
9 Compliance Officer at the West Valley
10 Demonstration Project. Dan,
11 MR. SULLIVAN: I'm Dan Sullivan.
12 I'm with the Department of Energy and I'm
13 going to talk about our EIS tonight. Thank
14 you for attending this presentation. I will
15 run through briefly our Notice of Intent, the
16 revised scope of the document, the overview of
17 the DEIS, describe the alternatives to the
18 DEIS and then public participation
19 opportunities and then we'll open it up to our
20 public comment.
21 Let me start with the Notice of
22 Intent. It was originally issued in March of
23 2001, and the scope of that EIS was to include
24 decontamination of some of the WVDP facilities
25

1 and waste management actions. So in
2 parenthesis what you got there is removal and
3 offsite disposal of waste.
4 Now, since then, DOE modified that
5 the scope of that EIS as a result of public
6 comments we got during that Notice of Intent
7 period and we removed decontamination actions.
8 Those actions will be addressed in another
9 EIS, our decommissioning EIS. So the revised
10 EIS, our decommissioning EIS. So the revised
11 scope of the EIS before us tonight is limited
12 to onsite waste management and offsite
13 transportation of waste. There is a picture
14 behind John that will help frame what we're
15 talking about. The lettering that's in
16 yellow, those are the waste volumes and the
17 waste that we're talking about that's
18 currently in storage. That's what this EIS is
19 dealing with.
20 There are three alternatives that we
21 examined in this EIS. The No Action required
22 by the National Environmental Policy Act,
23 which is essentially a continuation of the
24 ongoing activities, and I'm going to describe
25 these in a little more detail when we get a

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1 second, but there's a No Action Alternative.
2 There's an Alternative A, which includes
3 offsite shipment of the waste for disposal and
4 an ongoing management of the Waste Storage
5 Tanks.
6 Alternative B is similar to
7 Alternative A. It's offsite shipment of the
8 waste for disposal in this case or storage at
9 other sites. The other difference is that
10 this includes interim stabilization of the
11 High Level Waste Storage Tanks with
12 retrievable low-strength grout.
13 So those are the three alternatives
14 that were examined. In analysis, this is a
15 study. It's an analysis focused on the human
16 health impacts on and near the site and
17 impacts resulting from the transportation of
18 the waste. We're going to talk a little bit
19 more about the alternatives.
20 The No Action Alternative I just
21 mentioned is continuing the waste management
22 activities, basically doing the work that
23 we're already doing. Okay. It does include
24 some shipment of waste, but small quantity of
25

1 wastes and that would be the extent of the
2 shipping. We would use the full capacity of
3 the storage facilities available to us. We
4 would continue to process the waste that is in
5 the Chemical Process Waste Storage Area.
6 It's one of the storage tanks. And as I
7 mentioned, we would continue storage of the
8 waste, except for the small quantity of Class
9 A Low-Level Waste that would be shipped
10 offsite, and then we would manage the
11 High-Level Waste tanks as we're managing them
12 today. Basically, ventilating the Waste
13 Storage Tanks to manage the moisture levels.
14 So that's confirmation of what we're doing
15 today.
16 Alternative A, also known as our
17 Preferred Alternative, and that's a term of
18 ours that's used in NEPA documents. At the
19 present time that's the Department of Energy's
20 Preferred Alternative. Again, this is an
21 Analysis Document. A decision ultimately will
22 be made based on some of the recommendations
23 from this document, but this document itself
24 is not a decision. So that's just a

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1 designation for that particular alternative.
2 This is offsite shipment of waste
3 for disposal and, again, ongoing management of
4 High-Level Waste Tanks. So nothing different
5 here in terms of managing the tanks, but in
6 terms of the waste in this particular
7 alternative, all the waste is disposed of
8 offsite. It's not limited by the Class A
9 waste that I just mentioned in the other
10 alternatives.

11 Reading the bullet, the Low-Level
12 and the mixed Low-Level Waste will be shipped
13 to DOE and/or commercial disposal sites for
14 disposal. The TRU Waste which is another
15 waste class, would be shipped to the Waste
16 Isolation Pilot Project, WIPP, for disposal.
17 The High Level Waste would be shipped to a
18 geologic repository, also for disposal when it
19 was available.
20 And I just mentioned earlier, the
21 Waste Storage Tanks we're going to continue to
22 manage those as they are managed today. So
23 this alternative ships all the waste that's in
24 yellow lettering on that site and the volumes
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you can read them for yourselves, fairly
large, 700,000 cubic feet of Low-Level Waste.
There's five or six of those large storage
facilities and just for perspective, they are
the size of a football field plus end zones,
so a substantial amount of waste. Okay. That
was Alternative A.

Alternative B is offsite shipment of
waste for disposal or storage and ongoing
management of the High-Level Waste Tanks.
There are some differences with this
alternative from Alternative A. In this case,
the Low-Level and the mixed Low-Level Waste --
the analysis here is exactly the analysis as
it was a minute ago, that is disposed of
offsite at DOE and/or commercial disposal
locations.

The TRU waste, this waste category
would either be shipped to Hanford, Idaho,
Oakridge, Savannah River or WIPP. These are
all DOE locations, all DOE sites, for interim
storage until WIPP was available to receive
that waste. That's the difference between
this Alternative and Alternative A.

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1 11
2 12
3 Also, the High Level Waste canisters
4 would be shipped to either Hanford or Savannah
5 River, again, other DOE sites, for interim
6 storage prior to disposal in a geologic
7 repository.
8 I'll mention something here that I
9 think is important. This analysis looks at
10 Environmental Impacts associated with these
11 actions. If it recognizes that there are
12 other permits, there may be licenses, there
13 may be other NEPA reviews that are required
14 for some of these actions to come true. So
15 just because it's analyzed here, doesn't mean
16 the waste is going there.
17 Again, the decision needs to be made
18 as to which Alternative the department will
19 select and then once that decision is made,
20 there are other hoops to go through including
21 some of the things I just mentioned. Licenses
22 need to be changed. Permits need to be
23 changed. That sort of thing. That's an
24 important point that is not on the viewgraph,
25 but in the document that's acknowledged.

The last bullet here is the Waste

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1 analysis, very small doses and that's
2 basically the point I wanted to make on that.
3 Now, opportunities for public
4 participation. This comment period is
5 initially open until June 30th, but you heard
6 John say to the extent that we can, we will
7 continue to receive comments after that date.
8 If folks have comments they want to make, it
9 just makes it more efficient if we can stay
10 within the time frames that we've identified.
11 It's a 45-day comment period and the DOE is
12 going to consider all the comments received
13 and respond to the comments in the Final EIS.
14 The way to receive the comments or
15 the way you can send the comments to me is
16 either by mail, and there's the mailing
17 address, by fax 716-942-4199, by e-mail
18 address, sonja.allen@rrisco.com. I think these are all
19 in the handouts, also. We also have an 800
20 telephone number that you can call and make an
21 oral comment that way, 800-633-2280, and of
22 course, the other opportunity is right now,
23 this afternoon.

24 MR. CHAMBERLAIN: Just before we
25 open up for comments, I would like to say we
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will take any questions, clarifying questions
anyone may have on the study or on the
presentation. We have a couple minutes that
anyone may wish to ask now or Dan or anyone
else?
Okay. At this time, we'll begin the
public comment session. Speakers will be
called in the order they have signed up. I
would ask that these speakers keep their
comments concise and focused on issues
relevant to the Draft Environmental Impact
Statement under consideration. I would also
ask that, if possible, the speakers try to
contain their comments within about five
minutes. To assist the transcriptionist,
speakers are asked, again, to speak clearly
and are encouraged to submit written copies of
their comments if they have them available.
At this time I would like to call
our first commentor, Paul Piciulo.
MR. PICIULO: Good afternoon. My
name is Paul Piciulo and I am the Director of
the West Valley Site Management Program for
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Document #0022: Comments 22.1 – 22.2
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Document #0022: Comments 22.2 – 22.4
New York State Energy Research and Development
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1 15
2 the New York State Energy Research and
3 Development Authority, most commonly referred
4 to as NYSERDA. I am here to provide oral
5 comments on the Waste Management Environmental
6 Impact Statement on behalf of NYSERDA.
7 NYSERDA also will be submitting written
8 Comments to the Department of Energy prior to
9 closure of the formal comment period.
10 Our issue of most concern regarding
11 the Waste Management EIS is inclusion of the
12 analysis to add grout to the High-Level Waste
13 Tanks 8D-1 and 8D-2 and the annulus that
14 surrounds each tank. NYSERDA believes that
15 this activity and alternatives for grouting
16 the tanks should not have been included in
17 this Waste Management EIS. Long-term
18 management options for the High-Level Waste
19 Tanks are more appropriately analyzed in the
20 Environmental Impact Statement to Evaluate
21 Decommissioning and/or Long-Term Stewardship
22 at the West Valley Demonstration Project and
23 Western New York Nuclear Service Center.
24 The reasons for this are threefold.
25 First, the March 26, 2001, scoping for this

1 16
2 Waste Management EIS did not include grouting [redacted]
3 of the High-Level Waste Tanks. Second, the [redacted] 22.2
4 analysis of grouting the High-Level Waste
5 Tanks in the Waste Management EIS is
6 inconsistent with policy announced by the U.S.
7 Nuclear Regulatory Commission stating that the [redacted] 22.3
8 impacts of making a waste incident to
9 Reprocessing Determination, which is a
10 prerequisite for grouting tanks, should be
11 analyzed in the Decommissioning EIS. Lastly,
12 the Resource Conservation and Recovery Act
13 Regulations preclude treatment by grout
14 stabilization until NRC has rendered its final
15 decision on whether the Decommissioning EIS
16 preferred alternative meets the criteria in
17 the Commission's Policy Statement.
18 I will now provide a more detailed
19 explanation of these three concerns. The
20 proposed scope for the Waste Management EIS,
21 as published in the Federal Register on March
22 26, 2001, did not include grouting of the
23 tanks. The scope indicated that the Waste
24 Management EIS would include such activities
25 as removal of loose contamination; removal of [redacted]

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Document #0022: Comments 22.2 – 22.3
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Document #0022: Comment 22.3
 New York State Energy Research and Development Authority (public meeting transcript)

1 hardware and equipment; nonstructural;
 2 decontamination of walls, ceilings, and
 3 floors; and flushing and/or removal of vessels
 4 and piping. Grouting of the tanks was not
 5 included in the description of the proposed
 6 action or the preliminary alternatives to be
 7 evaluated. Thus, it appears that the
 8 evaluation of grouting the tanks is beyond the
 9 scope of this Waste Management EIS. The
 10 Federal Register Notice indicated that the
 11 remaining facilities for which the DOE is
 12 responsible, along with all final
 13 decommissioning and/or long-term stewardship
 14 actions to be taken by the DOE and NYSERDA,
 15 will be evaluated in the Decommissioning EIS.
 16 Additionally, the residual waste in
 17 the High-Level Waste Tanks remains High Level
 18 waste, at least until a determination is made
 19 that such waste is incidental to reprocessing,
 20 in accordance with the requirements
 21 established by the U.S. Nuclear Regulatory
 22 Commission and the NRC Decommissioning
 23 Criteria for the West Valley Demonstration
 24 Project at the West Valley Site; Final Policy
 25

1 Statement was issued on February 2, 2002. The
 2 Final Policy Statement makes it clear that the
 3 NRC intends to use the Decommissioning EIS to
 4 render a decision on the acceptability of the
 5 DOE's Waste Incidental to Reprocessing
 6 determinations.
 7 NRC states that the resulting
 8 calculated dose from the incidental waste is
 9 to be integrated with all other calculated
 10 doses from the remaining material of the
 11 entire NRC-licensed site to ensure that the
 12 License Termination Rule criteria are met.
 13 This is appropriate because the Commission
 14 does not intend to establish separate dose
 15 standards for various sections of the
 16 NRC-licensed site.
 17 It is the Commission's expectation
 18 that it will apply this criteria at the WVDP
 19 site following the completion of DOE's site
 20 activities. In this regard, the impacts of
 21 identifying waste as incidental to
 22 reprocessing and not High Level Waste should
 23 be considered in DOE's environmental reviews.
 24 NRC more clearly defines its
 25

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Document #0022: Comments 22.3 – 22.4
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Document #0022: Comments 22.4 – 22.5
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1 expectations in a June 17th, letter from [REDACTED] 15
 2 Chairman Richard Mervine to me.
 3 The Decommissioning EIS will address 20
 4 DOE Waste' Incidental to Reprocessing
 5 determinations. NRC will review and comment
 6 on DOE Waste Incidental to Reprocessing 22.3
 7 determinations as a Cooperating Agency. NRC
 8 will also render its final decision on DOE's
 9 Waste Incidental to Reprocessing determination
 10 in NRC's decision on whether the preferred
 11 alternative meets the criteria in the
 12 Commission's Policy Statement.
 13 Thus, until the Decommissioning EIS
 14 completed and NRC has made its determination
 15 regarding the tank residuals, such materials
 16 must continue to be managed as High Level
 17 waste and any decision to grout the tanks
 18 based on the Waste Management EIS would be
 19 premature.

20 Finally, the residual waste in the [REDACTED] 22.4
 21 High-Level Waste Tanks is both High Level
 22 Waste and Resource Conservation and Recovery
 23 Act, referred to as RCRA, characteristic
 24 waste. It is NYSERDA's understanding that, at
 25

1 this time, the only form of treatment 2
 2 acceptable for such waste is vitrification. 3
 3 As long as the tank residual waste is High 4
 4 Level Waste, in other words until NRC has 5
 5 rendered its final decision on the DOE's Waste 6
 6 Incidental to Reprocessing determination it:
 7 its decision on whether the preferred 22.4
 8 alternative and the Decommissioning EIS meets 9
 9 the criteria in the Commission's Policy
 10 Statement, current RPA requirements preclude 11
 11 treatment by grout stabilization. Thus, under
 12 RCRA regulations, a determination must be made
 13 with respect to Waste Incidental to
 14 Reprocessing before a decision to grout the
 15 tanks can be made. 16
 16 NYSERDA requests that DOE reconsider 22.5
 17 its inclusion of High Level Waste Tank
 18 grouting in the Waste Management EIS. As I
 19 mentioned earlier, NYSERDA will provide more
 20 detailed written comments prior to the closure
 21 of the formal public comment period.
 22 Thank you for this opportunity to
 23 share our concerns.
 24 MR. CHAMBERLAIN: Thank you,
 25

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2 Paul. I believe that's our last commentor.
3 is there anyone else here who would like to
4 comment on the record? Okay. At this time we
5 will stop this meeting and I just remind
6 everyone that's here that we have another
7 session that people may attend this evening
8 from 7:00 to 9:00. If you know anybody who
9 would like to make a comment or take part,
10 please encourage them to come. Thank you.
11 (Whereupon the proceedings were
12 concluded.)
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5 I, Doreen M. Sharick, do hereby certify that I
6 have reported in stenotype shorthand the proceedings
7 in the Public Comment Session for the Draft West
8 Valley Demonstration Project Waste Management
9 Environmental Impact Statement, held at the Ashford
10 Office Complex, 9030 Route 219, Ashford, New York,
11 on Wednesday, June 11, 2003;
12 And that such transcript, numbered pages one
13 through twenty-one, is an accurate and correct
14 record of my stenotype notes.

Doreen M. Sharick

Doreen M. Sharick, Notary Public

Document #0022: Responses

- 22.1. The Draft WVDP Waste Management EIS analyzed the use of retrievable, low-strength grouting for the interim stabilization of the HLW tanks should that become necessary before decisionmaking about the site is completed. As stated in the Draft EIS, this grout would be sufficiently flexible to provide shielding and would not prohibit exhumation of the tanks should DOE decide to remove the tanks in the future. However, DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 22.2. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 22.3. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 22.4. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 22.5. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

Document #0023: Comments
Kathy McGoldrick (public meeting transcript)

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4 PUBLIC COMMENT SESSION FOR THE
5 DRAFT WEST VALLEY DEMONSTRATION PROJECT
6 WASTE MANAGEMENT ENVIRONMENTAL IMPACT STATEMENT
7 ASHFORD OFFICE COMPLEX
8 9030 ROUTE 219
9 ASHFORD, NEW YORK
10 JUNE 11, 2003 7:00 P.M.
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Communications Department,
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5 DANIEL W. SULLIVAN,
DOE Document Manager,
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12 KATHY McGOLDRICK,
Ellicottville, New York.
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Post Office Box 51,
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Document #0023: Comments
Kathy McGoldrick (public meeting transcript)

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2 MR. CHAMBERLAIN: Good evening.
3 I'm John Chamberlain on behalf of the
4 Department of Energy. I welcome each of you
5 to this meeting. As you know, there have been
6 two comment sessions scheduled today here at
7 the Ashford Office Complex on Route 219 as
8 part of the 45-day public review period for
9 the Draft West Valley Demonstration Project
10 Waste Management Environmental Impact
11 Statement. For the record, this evening's
12 session is scheduled at 7:00 o'clock to 9:00
13 p.m. on June 11, 2003.
14 These sessions are being held to
15 provide individuals the opportunity to submit
16 oral and written comments on the draft EIS.
17 Comments can be filed in writing by mail, by
18 fax or electronically through the internet.
19 In addition, there's a toll-free number
20 available through which individuals may submit
21 oral comments by telephone. Information
22 including directions on filing comments is
23 available on the table to my right. All
24 comments, whether written or oral, will
25 receive the same consideration and review and

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2 will be responded to in the Final
3 Environmental Impact Statement.
4 The development of this DEIS
5 officially began with DOE publishing a Notice
6 of Intent on March 26, 2001. The scope of
7 this DEIS departs from that which was
8 originally announced in the Notice of Intent
9 in that it is limited to onsite waste
10 management and offsite waste transportation
11 activities and does not include
12 decontamination activities. This DEIS was
13 made publicly available on May 16, 2003, for
14 review and comment. The 45-day public review
15 period will officially end on June 30, 2003,
16 and DOE will consider comments received after
17 this date to the extent practical.
18 Commentors for today's sessions have
19 been registered in the order that their
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21 that have signed up at the door will be
22 allowed to speak in the order they have signed
23 in as long as time is available. If you wish
24 to present a comment and have not signed up, I
25 encourage you to do so now.

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**Document #0023: Comments
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1 Finally, I want to thank all of you
2 here for taking the time to attend this
3 meeting, providing comments and thank you for
4 your interest and involvement.
5 At this time I would like to
6 introduce Dan Sullivan, the Department of
7 Energy's National Environmental Policy Act
8 Compliance Officer at the West Valley
9 Demonstration Project. Dan.
10 MR. SULLIVAN: Thank you, John.
11 Welcome everybody. I'm Dan Sullivan with the
12 Department of Energy as John just mentioned
13 and what I'm going to do tonight is I'll
14 present a little discussion on the Notice of
15 Intent, the revised scope of this document, an
16 overview of the Draft EIS and discuss ways for
17 you to provide comments for public
18 participation and then there will be a comment
19 session that John mentioned.
20 Okay. The Notice of Intent,
21 basically said that DOE was going to prepare
22 an EIS, was issued in March of 2001, and the
23 scope of this EIS, fancy word for study, was
24 to include decontamination of some of the
25

1 project facilities along with waste management
2 actions. So the removal and offsite disposal
3 of waste. Those are the waste management
4 actions we are looking at.
5 Now, DOE modified the scope as a
6 result of public comments and removed
7 decontamination actions to be evaluated in the
8 decommissioning EIS. So the scope of the
9 document that we're talking about tonight,
10 it's limited to the onsite management and
11 offsite transportation of the waste, and the
12 waste that we're talking about ... this
13 picture's helpful. These areas in yellow.
14 There's basically five facilities that have
15 Low-Level Waste in them and they're
16 approximately the size of -- to put it in
17 perspective, of a football field. So they're
18 fairly sizable and the quantities of waste are
19 about 700,000 cubic feet of Low-Level Waste.
20 So a fair amount of waste is in storage. This
21 is what we're talking about, along with the
22 High Level Waste tanks, how to manage those
23 and those tanks are empty, but this EIS
24 evaluates a way to manage them.

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Document #0023: Comments
 Kathy McGoldrick (public meeting transcript)

Document #0023: Comments
 Kathy McGoldrick (public meeting transcript)

1 7
 2 So what are the three alternatives?
 3 The No Action Alternative, which is a
 4 continuation in a sense of what we're
 5 currently dealing with and I'm going to talk
 6 to you a little more about these in a future
 7 viewgraph. There's a No Action Alternative,
 8 which is Alternative A, which evaluates
 9 offsite shipment of waste for disposal and
 10 then ongoing management of the High Level
 11 Waste into the waste storage tanks.
 12 Alternative B is similar to
 13 Alternative A, but the waste doesn't go to
 14 directly to the disposal location. It goes
 15 for storage at another DOE site first, then to
 16 disposal. That's the distinction and the High
 17 Level Waste storage tanks are stabilized using
 18 retrievable low-strength grout. Those are the
 19 three alternatives.
 20 The focus of the analysis is on
 21 human health impacts on and near the site and
 22 impacts resulting from the transportation of
 23 the waste.
 24 I'm going to talk a little bit more
 25 about the alternatives now. The No-Action

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 2 Alternative, and this is an alternative that's
 3 required by NEPA. It's required by the
 4 National Environmental Policy Act to be
 5 analyzed, continuing with waste management
 6 activities described in previous NEPA
 7 documents. What that means is, they are
 8 currently shipping some Low-Level Waste, small
 9 quantities of Class A Low-Level Waste. So
 10 this particular alternative, we continue to do
 11 that and the analysis would look at that along
 12 with using these storage facilities to their
 13 full capacity, to evaluate processing the
 14 waste that's currently in the chemical process
 15 cell waste storage area. That's an activity
 16 ongoing now to process that waste. Continue
 17 onsite storage of all the waste, as I said,
 18 except for the load that's being shipped.
 19 That's the Class A waste.
 20 And again, I'll mention in terms of
 21 shipping waste, this is done every day,
 22 shipping the radioactive waste throughout the
 23 country. It's not only West Valley. We have
 24 been doing that. This alternative will look
 25 at continuing doing that along with continuing

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1 to manage the moisture levels in the High
2 Level waste tanks through the systems that we
3 already have in place. So that's analysis for
4 this alternative, the No-Action Alternative.
5 Again, the NEPA document just
6 analyzes the alternatives. We don't make a
7 decision in its writing. There is not a
8 decision in this document. It's a tool the
9 decision makers will use so they understand
10 what the impacts are and they'll use this in
11 their decision making. It's not me that's
12 going to make the decision. I'm providing the
13 basis and the tools used to make those
14 decisions.
15 The next alternative analyzed is
16 Alternative A, in this case it's a Preferred
17 Alternative. That's DOE's Preferred
18 Alternative at the moment. This includes
19 analysis for offsite shipment of waste for
20 disposal and ongoing management of the waste
21 storage tanks. This is not just the Class A
22 waste. This is all the waste for all these
23 facilities, the analysis for disposal of
24 offsite the Low-Level and mixed Low-level
25

1 Waste shipped DOE and/or commercial disposal
2 sites for disposal. The TRU waste, another
3 category of waste, would be shipped to WIPP,
4 the Waste Isolation Pilot Project, for
5 disposal and High Level Waste would be shipped
6 to a repository when it's available. The
7 tanks would be managed, again, as I mentioned
8 earlier, through the system that currently
9 exists. So this alternative is looking at
10 shipping all this waste offsite.
11 This is the time to mention this.
12 It isn't as a bullet on the vewgraph, but
13 it's mentioned in the NEPA document itself.
14 The analysis recognizes that the ability to
15 take these kind of actions may require
16 additional permits or license modifications or
17 maybe additional NEPA analysis at some of
18 these disposal locations and/or storage
19 locations. And that's really true for this
20 particular alternative. This is just one step
21 in the process. Let me go through this and it
22 will make sense in a second.
23 Alternative B is offsite shipment of
24 waste for disposal or storage and ongoing
25

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1 management of the tanks using the grout. So
2 in this case, it's the same wastes that we're
3 talking about that's in storage, the same
4 large volume. In some cases it's going to be
5 shipped right for disposal. Low-Level and
6 Mixed Low-Level will be shipped to DOE
7 commercial sites for disposal. In the case of
8 TRU waste, one of the options considered is
9 shipping it to other DOE sites first for
10 storage, then for disposal: Hanford, Idaho,
11 Oakridge, Savannah River or even WIPP for
12 interim storage until disposal could be made
13 at WIPP. And again, this is where this
14 concept of there may be additional licenses or
15 additional permits or maybe other steps to go
16 through before this action actually takes
17 place. From the standpoint of environmental
18 analysis, we just made that statement. We
19 didn't do the analysis here.

20 High-level waste would be, in this
21 case, analyzed and shipped to either Hanford
22 or Savannah River for interim storage prior to
23 disposal and repository. The tanks would be
24 partially filled with a retrievable

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1 low-strength grout for interim stabilization.
2 That's Alternative B. It's not our preferred
3 alternative, but again, NEPA asks that you
4 analyze alternatives that appear reasonable,
5 so that was the make-up of this particular
6 alternative, reasonable actions.
7 So in terms of a conclusion,
8 impacts. There really is no discernible
9 difference in human health impacts among the
10 alternatives. The impacts are very, very
11 small and when you take a look at the
12 document, you see the analysis that was done
13 and the table that reports those impacts,
14 they're really small and as I mentioned at the
15 other session, if you think about it, that's
16 really not surprising because you're analyzing
17 the shipment of Low-Level Waste. That's
18 potentially low doses. And if there's
19 anything that has a high dose, it's shielded.
20 So it makes sense that those impacts would be
21 small. And that's exactly the conclusion that
22 we came to in the NEPA document. All these
23 risks that I've listed here, they are very,
24 very minute. When you take a look at the
25

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1 13
2 document and indeed, you probably have, you'll 14
3 come to the same conclusion. That's basically
4 the punch line. All the analysis showed was
5 that the risks were very small.
6 Okay. The opportunities for public
7 participation, the official comment period
8 closes at the end of the month, June 30th. I
9 don't know if John mentioned this at this
10 session, but I know he said it earlier, to the
11 extent we can, we'll consider all the comments
12 that we get even if they come after that date,
13 but there comes a point where we're going to
14 get on with the process.
15 If you've got a comment, the best
16 thing to try to do is to get it to us before
17 June 30th. We're going to consider all the
18 comments we receive and we'll respond to them
19 in the final EIS.
20 Okay. So how do you provide them?
21 Tonight is one of the opportunities. You can
22 mail them to me. You can fax them. There's
23 an E-mail address and we even got an 800
24 telephone number which you can call to provide
25 your comments that way. So if you really want

1 Just one
2 question. I wasn't really listening very
3 carefully when you first started and so I
4 apologize if I misunderstood you. But did you
5 say that you split this EIS due to public
6 comments on the draft EIS or did I
7 misunderstand you?
8
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1 13
2 feedback, there's several ways to do that and
3 my presentation, obviously, has this
4 information in it. I think there is facts
5 sheets up here that provide the same
6 mechanisms by which you might want to
7 communicate. So that's the way to provide
8 comments. Now, I'm done with viewgraphs.
9 Now, is the time to go to the comment period.
10 MR. CHAMBERLAIN: 11
11 MR. SULLIVAN: 12
12 MR. CHAMBERLAIN: 13
13 provide an opportunity for people to make
14 their oral comments, does anyone have any
15 quick clarifying questions? Anything you
16 heard that you would like a little more
17 information on regarding this study or
18 comments or anything regarding it?
19 MS. McGOLDRICK: 20
20 Just one
21 question. I wasn't really listening very
22 carefully when you first started and so I
23 apologize if I misunderstood you. But did you
24 say that you split this EIS due to public
25 comments on the draft EIS or did I
misunderstand you?
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Document #0023: Comments
Kathy McGoldrick (public meeting transcript)

Document #0023: Comments 23.1 – 23.3
Kathy McGoldrick (public meeting transcript)

1
2 MR. SULLIVAN: No, no, no. I
3 didn't. We revised the scope of this
4 particular document. Initially, the document,
5 it was the Decontamination and Waste
6 Management EIS and we removed the
7 decontamination piece from this document. And
8 said it was more appropriate to put that piece
9 in the decommissioning EIS, so that's what we
10 did. This EIS is only going to look at waste
11 management actions. That's what I meant. The
12 comments came on the scope of this particular
13 document.

14 MR. CHAMBERLAIN: At this time
15 we'll begin the public comment period.
16 Speakers will be called in the order they
17 signed up. I would ask each speaker to keep
18 their comments concise and focused on the
19 issues relative to the Draft Environmental
20 Impact Statement that's under consideration.
21 I don't think I have to say we need to keep it
22 somewhere near five minutes. We have two
23 commentors so I think we have sufficient time
24 for your comments. To assist the
25 transcriptionist, please make sure you speak

1
2 carefully and we encourage you to submit
3 copies of your comments in writing if they are
4 available. At this time I'd like to call
5 Kathy McGoldrick first.
6 MS. MCGOLDRICK: My name is Kathy
7 McGoldrick and I'm from the Town of
8 Ellicottville. I also belong to the West
9 Valley Coalition on Nuclear Waste. I want to
10 begin by saying that I would suggest that this
11 DEIS being commented on is not a valid
12 document. The splitting of the 1996 DEIS into
13 two separate EIS's may not be a legitimate
14 NEPA action. This split also violates the
15 1987 Stipulation of Compromise Settlement
16 between the United States Department of Energy
17 and the United States of America and the
18 Coalition on West Valley Nuclear Waste.
19 Both Alternatives A and B, second
20 comment, rely on shipment of classes B and C
21 Low-Level Waste offsite without completion of
22 the entire EIS process, a clear violation of
23 the 1987 contract signed with the Coalition
24 and of NEPA.
25 Three, the 45-day comment period is [redacted]

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Document #0023: Comments 23.3 – 23.5
Kathy McGoldrick (public meeting transcript)

Document #0023: Comments 23.5 – 23.7
Kathy McGoldrick (public meeting transcript)

1 a violation under the terms of the Stipulation
2 of Compromise. In that Stipulation, a six
3 month comment period was agreed upon.
4 The following are comments regarding
5 the alternatives being presented in the 2003
6
7 Waste Management DEIS:
8 Shipment offsite for interim
9 management in Alternative B would increase
10 transportation risks because each shipment
11 would have to be made twice. Interim storage,
12 as we have suggested many times in the past,
13 would avoid this problem.

14 In comments on the 1996 DEIS, it was
15 suggested that there be an alternative which
16 would store packaged waste onsite for a
17 limited amount of time, say 25 years. This
18 would be true interim storage with the real
19 intent of eventual shipment. We need to be
20 cognizant also of the time lag that may entail
21 due to the reticence of other political and
22 geographic entities to accept this waste, or
23 even to allow it to be transported through
24 these entities due to the serious threat of
25 terrorism. Our interim storage alternative

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1 should take this factor into account.
2 However, when waste can leave West
3 Valley, it must. For many reasons, West
4 Valley is not a suitable site for permanent
5 disposal of radioactive waste.
6
7 For obvious reasons, management of
8 the High Level Waste tanks under Alternative A
9 must not include changing the groundwater
10 patterns or pressures around the tanks without
11 first closely studying the effects of such.
12 And last, the grouting of the High
13 Level Waste storage tanks and their
14 surrounding vaults in Alternative B would
15 violate NEPA because it could limit closure
16 alternatives yet to be considered in the
17 Closure EIS now being written. Thank you.
18 MR. CHAMBERLAIN: Thank you,
19 Kathy. The next commentor is Jim Pickering.
20 Mr. Pickering.
21 MR. PICKERING: My name is Jim
22 Pickering, Ph.D. I live in Lake Hiram Club,
23 Arcade, New York, Post Office Box 51 and I
24 would like a copy of the transcript of these
25 proceedings.

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Document #0023: Responses

- 23.1. The scope of the EIS that DOE began in 1988, with a draft in 1996, is now addressed in two EISs: the WVDP Waste Management EIS and the Decommissioning and/or Long-Term Stewardship EIS. Waste management activities, including offsite shipment for disposal, have utility independent from actions that might be taken to decommission WVDP and the requirements for long-term stewardship. In addition, the waste management activities described in the WVDP Waste Management EIS will not affect the range of alternatives available for decommissioning or long-term stewardship. Therefore, DOE does not believe that its NEPA strategy represents impermissible segmentation of the action.

The Stipulation of Compromise (included in Appendix A of this EIS) requires the preparation of an EIS to address the disposal of LLW on the WVDP site, and does not preclude the preparation of more than one EIS. DOE believes that it has complied and continues to comply with the Stipulation.

- 23.2. The Stipulation specifically allows DOE to prepare separate EISs for the offsite disposal of LLW (see Stipulation Section 3). DOE would not ship any waste until the Final EIS and a Record of Decision are issued, completing the NEPA process for this proposed action.

- 23.3. The 6-month comment period in the Stipulation applies to an EIS prepared for the decommissioning of the site and is not applicable to the Draft WVDP Waste Management EIS prepared for the offsite transportation and disposal (or storage) of LLW, mixed LLW, TRU waste, and HLW. DOE has committed to a 6-month comment period for the Decommissioning and/or Long-Term Stewardship Draft EIS.

- 23.4. DOE recognizes the increased environmental impacts inherent in shipping waste offsite for storage prior to disposal, including increased transportation risk and human health risks to workers and the public at the offsite locations. These impacts are analyzed and acknowledged in the Draft and Final WVDP Waste Management EISs. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.
- 23.5. Under DOE's preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged. In the context of this EIS, DOE does not intend to dispose of radioactive or hazardous waste at the WVDP site.
- 23.6. Neither the active ventilation of the HLW tanks and the annulus surrounding the tanks under the No Action Alternative and Alternative A nor the use of retrievable grout for interim stabilization of the tanks under Alternative B as analyzed in the Draft EIS would change the groundwater patterns or pressures around the tanks. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 23.7. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

Document #0024: Comment 24.1 – 24.2
Jim Pickering (public meeting transcript)

1 In previous presentations I have
 2 brought forth the fact that this procedure in
 3 particularity violates Public Law 96-368,
 4 which is the West Valley Demonstration Project
 5 Act. That Act provides for a Environmental
 6 Impact Statement. Not two, not three, not
 7 amended. One Environmental Impact Statement
 8 and while I may agree that privately that this
 9 would be the right way to go, what should have
 10 happened is those people who are in charge of
 11 this situation should have gone back to
 12 Congress and said, we think that this will
 13 work out better if you amend that Act and
 14 permit us to split up the Environmental Impact
 15 Statement. That has not been done and when
 16 you take away from Congress a power that is
 17 expressly given to them by the Constitution of
 18 the United States, you are seizing power that
 19 is not yours. That is tantamount to treason.
 20 Treason is defined in that -- in that
 21 Constitution as making war on the United
 22 States.
 23 Now, we cannot have our servants and
 24 employees conducting themselves in that kind

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1 of an environment. You have to come forth and
 2 ask permission to do what you're going to do,
 3 and you haven't done it. And that's the sum
 4 and substance of what's going on. I have
 5 reviewed everything that Dr. Piculio has said.
 6
 7 I agree with everything that he has said. I
 8 listened to Kathy's presentation and I agree
 9 with everything that she has said.
 10 Dan, you said that high-level tanks
 11 are empty. The last meeting I was at, they
 12 said -- you said -- you said you didn't get it
 13 all out. You couldn't get it all out. You
 14 were slurring and slurring and slurring and
 15 you couldn't get it all out. But to come
 16 forth here and say they're empty, they're not
 17 empty if you haven't got it all out. It's
 18 that simple.
 19 When you come to -- to us and say
 20 this is the way it is, please come and tell us
 21 the truth. We deserve that. You people are
 22 -- are our employees. You are not our
 23 masters. You are our employees. We pay for
 24 your services when we pay our taxes and
 25 therefore, we have a right to accountability.

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Document #0024: Comment 24.3 – 24.4
Jim Pickering (public meeting transcript)

Document #0024: Comment 24.4 – 24.5
Jim Pickering (public meeting transcript)

1
2 We're not getting it. You're doing what you
3 want to do and I hate to say this, but it
4 almost looks as though you're trying to
5 preserve my job. Now, that isn't right. You
6 were hired to get the waste out of West
7 Valley, period.

8 And you're wondering why am I coming
9 in here and hammering away at this. I went to
10 Hanford years ago, back in the '70s. My
11 cousin, Bill Pickering, worked for the Hanford
12 Facility as a sheet metal man and used to make
13 the duct work for the air conditioning and
14 that sort of stuff. He died of leukemia and
15 cancer from that facility. That facility is
16 upstream from the Snake River and the Columbia
17 River and if it leaks, it will pollute all the
18 salmon that goes up and down that river. The
19 American public doesn't need that kind of a
20 food supply. The waste material that we got
21 here should not be shipped to Hanford.

22 Now, I don't know about the stuff
23 going -- involved with Savannah River. I
24 don't know how good that facility is, but I do
25 know that Hanford should not pick up our waste.

1
2 and then ship it somewhere else because all
3 the time it's sitting there, it's a hazard to
4 everything on the -- on the west coast.
5 I don't know what else to tell you
6 except that this thing is illegal. You cannot
7 do it.

8 When I went to Court against
9 Bethlehem, the filing fee I told you at the
10 last meeting was a hundred and fifty dollars.
11 Today I got a letter that said you'll have to
12 serve the Attorney General of the United
13 States because the Pension Benefit Corporation
14 is a -- is a government agency. Well, the
15 United States Marshall is doing that and it
16 cost eight bucks. It would also cost eight
17 bucks for another service on the local guy
18 down in Buffalo.

19 These kinds of things, when you make
20 -- when you go to change the law, you just
21 don't do it by yourself. You've got to go
22 through the proper channels and the proper
23 channels is to go up to the Executive
24 Department, say to the President, this is the
25 way we think it should be and then he should

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Document #0024: Comments 24.1 & 24.5
Jim Pickering (public meeting transcript)

Document #0024: Comments 24.1 & 24.5
Jim Pickering (public meeting transcript)

1 go to the Congress and say, fellows, this is
2 what they presented me. This is the way it
3 should be. Change it. That's all -- all I've
4 been saying to you. Change it and get it in
5 line the way it should be.
6
7 It's not that -- you're alive today
8 because you haven't made any engineering
9 mistakes, but you're about to make them from
10 the legal standpoint of view and aiso, from
11 the engineering point of view, especially if
12 you ship offsite material that should not be
13 shipped offsite until it's ready to be finally
14 disposed of.
15 I had think about putting it into a
16 rocket and shipping it out in one of these
17 holes, black holes. But the other day there
18 was an article in the paper about microcracks
19 in both of the space shuttles in which the two
20 ladies died. I don't want to ship anymore
21 stuff out -- out that way. I don't want to see
22 the international intersolar system messed up
23 because we goofed up right here. Keep the
24 waste here until you get it the way it can be
25 disposed of permanently and then do it and do ____

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1 it right. Go to the Congress and say, this
2 is the way we're supposed to do it. This is
3 the way we feel it should be done and then
4 come back and do it. Thank you.
5
6 MR. CHAMBERLAIN: Thank you, Jim.
7 That's the end of the commenters who have
8 signed up. Is there anyone else who would
9 like to make a comment this evening? If not,
then ____
10
11 MR. SULLIVAN: John, should I
12 clarify one thing about High Level Waste?
13 MR. CHAMBERLAIN: Sure.
14 MR. SULLIVAN: I said that
15 basically they are empty. We removed all we
can so I mean Jim is right. There's a small
16 amount of waste still in the tanks, but they
17 are basically empty. That was my point.
18
19 MR. CHAMBERLAIN: Anyone else?
20 Okay. Thank you very much. This will
21 conclude the meeting. We will wait here
22 certainly to see if anyone else comes that my
23 wish to comment. Sir?
24 MR. OLMFSTED: My name is Jeremy
25 Olmsted. I'm from Springville.

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Document #0024:	Responses
24.1.	The West Valley Demonstration Project Act (Public Law No. 96-368, included in Appendix A of this EIS) requires DOE to decontaminate and decommission the tanks and other facilities of the Western New York Service Center in which the HLW solidified under the project was stored (Section 2(a)(5)). The statute also states that DOE must prepare required environmental impact analyses of the project (Section 2(b)(3)(D)). In DOE's view, the West Valley Demonstration Project Act allows the preparation of more than one EIS and no further legislation is required.
24.2.	DOE has removed all of the HLW in the tanks, although a small amount remains that cannot be removed.
24.3.	The West Valley Demonstration Project Act requires DOE to solidify HLW by vitrification or other effective technology, develop containers for the permanent disposal of HLW, transport the solidified HLW to an appropriate federal repository for permanent disposal, and decontaminate and decommission the tanks and other facilities of the Western New York Service Center in which the HLW solidified under the project was stored (Section 2(a)). DOE has met or will meet all of the vitrification, waste management, and decommissioning requirements set forth in the West Valley Demonstration Project Act.
24.4.	DOE recognizes the increased environmental impacts inherent in shipping waste offsite for storage prior to disposal, including increased transportation risk and human health risks to workers and the public at the offsite locations. These impacts are analyzed and acknowledged in the Draft and Final WVDP Waste Management EISs. Appropriate NEPA reviews would be conducted before any decision were made to ship specific TRU waste or HLW volumes to
24.5.	<p>an offsite location for interim storage. Such reviews would address site-specific and cumulative impacts, including the availability of existing storage capacity, the need for additional storage capacity, and impacts to workers and the affected public.</p> <p>TRU waste at WVDP could be disposed of at WIPP if the waste is determined to meet the requirements for disposal in that repository. If some or all of WVDP's TRU does not meet these requirements, DOE would need to explore other alternatives for disposal of the waste. Additional NEPA review would be conducted if DOE were to propose to dispose of TRU waste at a location other than WIPP.</p> <p>HLW generated at the WVDP site is eligible for disposal in a geologic repository. This waste volume (up to 300 canisters) was specifically analyzed in the Yucca Mountain Repository EIS (Appendix A, Section A.2.3.5.1). The shipment of waste to offsite locations for interim storage is not DOE's preferred alternative. Under the preferred alternative (Alternative A), TRU waste and HLW would continue to be stored at the WVDP site until such time as disposal offsite could be arranged.</p>

Document #0025: Comment 25.1
Mr. Olmsted (public meeting transcript)

Document #0025: Comment
Mr. Olmsted (public meeting transcript)

1 MR. CHAMBERLAIN : Jeremy, if
2 you'd come up to the podium.
3
4 MR. OLMSTED : Sure.
5 MR. CHAMBERLAIN : If you don't
6 mind, it will just make it a little easier for
7 her to hear.
8 MR. OLMSTED : Olmsted,
9 O-L-M-S-T-E-D, with apologies to my companion,
10 James Pickering, I would offer the comment as
11 to whether just what effect do -- does the
12 decision making -- the bureaucratic channels
13 of decision making have on the technological
14 competency of doing their job? And my initial
15 feeling is that it won't change the abilities
16 of the people who are carrying out the work
17 here at the Demonstration Site. End of
18 comment.

19 MR. CHAMBERLAIN : Okay. Thank
20 you, Jeremy. Anyone else? Okay, thank you.
21 (Whereupon the proceedings were then
concluded.)

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1
2
3 CERTIFICATE
4
5 I, Doreen M. Sharick, do hereby certify that I
6 have reported in stenotype shorthand the proceedings
7 in the Public Comment Session for the Draft West
8 Valley Demonstration Project Waste Management
9 Environmental Impact Statement, held at the Ashford
10 Office Complex, 9030 Route 219, Ashford, New York,
11 on Wednesday, June 11, 2003;
12 And that such transcript, numbered pages one
13 through twenty-five, is an accurate and correct
14 record of my stenotype notes.
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25

Doreen M. Sharick, Notary Public

Doreen M. Sharick

Document #0025: Response

25.1. Thank you for your comment.

REFERENCES

- DOE (U.S. Department of Energy), 1997a. *Final Waste Management Programmatic Environmental Impact Statement for Managing Treatment, Storage, and Disposal of Radioactive and Hazardous Waste*, DOE/EIS-0200-F, Washington, DC, May.
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